

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON
TALCUM POWDER PRODUCTS
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

This Pleading Applies to All Actions Filed
after June 16, 2021 Against Defendant
Personal Care Products Council

MDL No. 16-2738 (MAS) (RLS)

**STIPULATION AND CASE MANAGEMENT ORDER REGARDING LAWSUITS
NAMING PERSONAL CARE PRODUCTS COUNCIL AS A DEFENDANT**

Plaintiffs and Defendant Personal Care Products Council (“PCPC”) hereby stipulate and agree, and move for entry of a Case Management Order as follows:

WHEREAS, on June 16, 2021, Judge Freda L. Wolfson granted PCPC’s Motion for Summary Judgment, entering Judgment in PCPC’s favor regarding all lawsuits then-pending naming PCPC as a defendant (“Summary Judgment”);

WHEREAS, Plaintiffs contend that, because of the unresolved causes of action pending against other defendants, Summary Judgment in favor of PCPC is not final and not subject to immediate review on appeal;

WHEREAS, notwithstanding Summary Judgment being granted to PCPC, Plaintiffs’ proposed Second Amended Master Long Form Complaint includes allegations and causes of action against PCPC;

WHEREAS, notwithstanding Summary Judgment being granted to PCPC, subsequent to June 2021, a small minority of Plaintiffs have named PCPC in Short Form Complaints and Complaints transferred to this Court from other federal courts;

NOW, therefore, in the interest of judicial efficiency and to preserve Plaintiffs' and Defendant PCPC's respective rights and interests, and consistent with the Stipulation of Plaintiffs and Defendant PCPC, the Court hereby ORDERS that:

1. PCPC's right to respond to the Second Amended Master Long Form Complaint (should it be accepted by the Court), any subsequent amendment to the Master Long Form Complaint, each and every Short Form Complaint filed subsequent to June 16, 2021, and each and every Complaint naming PCPC as a defendant filed subsequent to June 16, 2021 that is transferred from another federal court, shall be preserved and tolled until after, if ever, the Summary Judgment in favor of PCPC is vacated by this Court or reversed by the U.S. Court of Appeals for the Third Circuit.
2. Until such time, PCPC shall NOT be required to, and shall NOT, respond to the Second Amended Master Long Form Complaint (should it be accepted by the Court), any subsequent amendment to the Master Long Form Complaint, any Short Form Complaint filed subsequent to June 16, 2021, any Complaint naming PCPC as a defendant filed subsequent to June 16, 2021 that is transferred from another federal court, and any other pleading filed in this Multi-District Litigation captioned *Johnson & Johnson Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 16-2738, or any related talc-ovarian cancer lawsuit pending in this Court.
3. If the Summary Judgment in favor of PCPC is vacated by this Court or reversed by the U.S. Court of Appeals for the Third Circuit, PCPC shall be allowed to respond to complaints and pleadings, and Plaintiffs will not object to PCPC's responses as being time-barred.

SO STIPULATED.

Dated: September 20, 2023

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SO ORDERED.

This 29th day of September 2023.



**Michael A. Shipp
United States District Judge**